



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,034	07/11/2001	William Turner	01537	9869

24118 7590 11/01/2005

HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,034

Applicant(s)

TURNER, WILLIAM

Examiner

Sumaiya A. Chowdhury

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-13, 15, 16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, 15, 16 and 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/12/05 have been fully considered but they are not persuasive.

(a) Applicant argues that Menard does not teach **"a database being located at the broadcaster or of the user sending a request directly to the broadcaster"** on page 6, fifth paragraph, of the amendment filed 8/12/05.

In response, applicant should note that the Aristides reference was cited to teach a database (70 - Fig. 1) being located at the broadcaster (22 - Fig. 1) and the user sending a request directly to the broadcaster - col. 4, lines 40-43.

(b) Applicant argues with respect to the Menard reference that **"the processing power required by the receiver end to perform this searching is large"** on page 7, first paragraph 1, of the amendment.

In response, the processing power is not recited in the claim.

(c) Applicant argues with respect to the Menard reference that **"the data being searched at the receiver end based on the user criteria is not in respect of future programs"** on page 7, paragraph 1, of the amendment.

In response, the examiner disagrees with the applicant. Menard discloses wherein the user enters in key words and phrases which are saved in the profile database (18 - Fig. 2) to look for in the closed caption data stream. The incoming data streams (future program) are compared to comparator (17 - Fig. 2) which compares the data with comparison data stored in the profile database.

(d) Applicant argues **"Menard et al does not include searching a memory means located at a broadcaster for program information having at least subtitle and/or closed caption data relating to an query"**, on page 7, paragraph 3, of the amendment.

In response, the applicant should note that the base reference, Menard, teaches wherein the memory means contain closed caption data relating to program information - col. 5, lines 5-10, col. 6, lines 4-6. The Aristides reference was brought in to teach a database (70 - Fig. 1) being located at the broadcaster (22 - Fig. 1) and the user sending a request directly to the broadcaster - col. 4, lines 40-43.

(e) Applicant argues **"No decoding of the video signal is required in Applicant's invention"**, on page 8, paragraph 3, of the amendment.

In response, the applicant is arguing that which is not being claimed.

(f) Applicant argues **"the database of program information is held at a headend and the user sends a request to the headend to retrieve the requested information, and not as in Applicant's invention to the broadcaster"**, on page 9, paragraph 1, of the amendment.

In response, the headend is the broadcaster. It broadcasts data to a plurality of users.

(g) Applicant argues **"The user of Applicant's invention has more access to a much larger type and amount of information that in the '119 Aristides et al patent"**, on page 9, paragraph 1, of the amendment.

In response, the applicant is arguing that which is not being claimed.

Nonetheless, the Menard reference teaches wherein the memory means contain closed caption data relating to program information – col. 5, lines 5-10, col. 6, lines 4-6. Additionally, the Legall reference teaches wherein the user could search the abstract of the program in addition to other things – col. 5, lines 4-10.

(h) Applicant argues with respect to the Legall reference that **"There is no disclosure of closed caption data being in the database provided by the content provider for searching, as in Applicant's invention"**, on page 10, paragraph 3, of the amendment.

In response, the Menard reference teaches wherein the memory means (20 – Fig. 1) which the user can search contain closed caption data received from the broadcast signals (content provider) – col. 5, lines 5-10, col. 6, lines 4-6.

(i) Applicant argues **"there is no teaching in Legall et al to the advantages of including closed caption and subtitle information in the database at the broadcaster"**, on page 10, paragraph 4, of the amendment.

In response, the Legall reference was not introduced for including closed captioning and subtitle information in the database at the broadcaster, but was introduced for that which is claimed in claims 3, 4, 9, 10, and 13, as discussed in the first Office Action.

Nonetheless, the Menard reference teaches wherein the memory means contain closed caption data relating to program information – col. 5, lines 5-10, col. 6, lines

Art Unit: 2611

4-6. The Aristides reference was brought in to teach a database (70 - Fig. 1) being located at the broadcaster (22 - Fig. 1) and the user sending a request directly to the broadcaster - col. 4, lines 40-43.

(j) Applicant argues that with respect to claim 12, **"The user of the Herrington et al '746 patent configures the search parameters based on selecting pre-determined criteria rather than the user inputting their own arbitrary search criteria into a query box, as in Applicant's invention"**, on page 11, paragraph 2, of the amendment.

In response, the examiner agrees with the applicant. However, the Legall reference teaches the user inputting their own arbitrary search criteria into a query box (302 - Fig. 3A) - col. 3, lines 10-15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 8-11, 15-16, and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard in view of Aristides.

As for claim 1, Menard discloses a television system including :

a display screen (4 - figure 1);

a broadcast data receiver (1 - figure 1, col. 2, lines 19-26, col. 4, lines 54-56) for receiving digital data via terrestrial, cable or digital means from the broadcaster (38 - figure 8) and generating auxiliary data (program data - col. 2, lines 5-9) therefrom; and

a search facility (col. 2, lines 50-58, col. 6, lines 47-51) to allow a user to generate a user request for program information and said television system matching (col. 6, lines 47-50) the request with any corresponding program information in said memory for display (119 – figure 3) on said display screen.

However, Menard fails to disclose:

a broadcaster having memory means for storing data relating to program information having at least subtitle and/or closed caption data;

a search facility to allow a user to search said memory means in said broadcaster by generating a user request for program information and sending said user request to said broadcaster having memory means;

In an analogous art, Aristides discloses wherein the broadcaster (22 – Fig. 1) includes memory means (70 – Fig. 1) for storing subtitle and/or closed caption data relating to program information (col. 4, lines 27-37) characterized in that said television system is provided with a search facility (col. 4, lines 24-28) to allow a user to search said memory means by generating a user request for program information and sending the user request to said broadcaster having memory means - col. 4, lines 24-28.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard's system to include a broadcaster having memory means for storing data relating to program information having at least subtitle and/or closed caption data and a search facility to allow a user to search said memory means in said broadcaster by generating a user request for program information and sending said user request to said broadcaster having memory means, as taught by

Aristides, for the advantage of having everything stored at the headend such that the memory at the receiver isn't used up and because of the higher processing power at the headend.

Considering claim 2, Menard and Aristides discloses a television system wherein said memory means contains closed caption data relating to program information. In particular, Aristides discloses wherein the broadcaster (22 – Fig. 1) includes memory means (70 – Fig. 1) for storing subtitle and/or closed caption data relating to program information (col. 4, lines 27-37, lines 15-19).

As for claim 3, Menard and Aristides disclose a television system in which said memory means contains descriptions of programs. In particular, Aristides discloses wherein the memory means contain description text of shows – col. 4, lines 33-38.

Considering claim 5, Menard and Aristides discloses wherein said user request may be selected from the group consisting of key words, phrases and codes define by said broadcaster. In particular, Menard discloses when a user inputs keywords into the search window, the matching results are displayed. The search has to include keywords defined by the broadcaster or else the system will not be able to provide a match. Alternatively, Boolean combinations are defined by the broadcaster (col. 8, lines 10-18).

Considering claims 8 and 20, Menard and Aristides discloses a television system characterized in that said broadcaster updates said memory means with real time program information. In particular, Menard discloses wherein the system offers instant alerts to events as they occur. Television feed can be automatically organized as they occur - col. 9, lines 54-64.

As for claim 9, Menard and Aristides disclose a television system characterized in that the program information identified corresponding to the user's request includes any or any combination of the time of showing the identified program (Aristides – col. 4, lines 33-37).

As for claim 10, Menard and Aristides disclose a television system characterized in that the program information identified corresponding to a user's request includes electronic program guide information (Aristides – col. 4, lines 19-44).

Considering claim 11, Menard and Aristides disclose a television system wherein the format of the program information identified in response to said user query is determined by the broadcaster. In particular, Menard discloses receiving closed caption text from broadcaster. Accordingly, the format of program information is determined by broadcaster (col. 4, lines 54-60, col. 6, lines 39-46).

Considering claim 15, Aristides and Menard disclose a television system wherein that all or selective data contained in aid memory means at said broadcaster is sent to memory means in said broadcast data receiver for searching by a user. In particular, Aristides discloses wherein the EPG (210 – figure 5) optionally maintains a primary record cache (220 – figure 5) in the STB containing a set of the program data records from the headend which are most likely to be used by the electronic program guide. When the record cache contains records needed by the EPG, the EPG uses the records from the record cache and no requests are made to the headend – see col. 6, lines 19-32.

Considering claim 16, Aristides discloses a method of obtaining program information in a television system having:

- a display screen (28a-28d - figure 1),
- a broadcaster (22 – Fig. 1) having memory means (70 – Fig. 1) for storing data relating to program information having at least subtitle and/or closed caption data – col. 4, lines 27-37.

- a broadcast data receiver (26a-26d - figure 1, col. 2, lines 66-67, col. 3, lines 1-5) for receiving digital data via terrestrial, cable or digital means from the broadcaster (22 – figure 1, col. 2, lines 57-65, col. 3, lines 16-29) and generating visual/audio data (program data – col. 3, lines 16-29) therefrom;

- inputting a query into said television system – col. 4, lines 22-28;

searching said broadcaster memory means (figure 3, col. 5, lines 43-59) for program information to said query (col. 4, lines 24-28).

However, Aristides fails to disclose :

wherein the broadcast data receiver includes memory means for storing data relating to program information in response to a user's query, and

searching for program information having at least subtitle and/or caption data.

In an analogous art, Menard discloses wherein the receiver comprises of memory means for storing data relating to program information in response to a user's query (col. 5, lines 40-55) and wherein the user searches for program information having caption data (col. 5, lines 24-30, lines 45-50, col. 6, lines 4-12, lines 46-51) for the advantage of effectively searching for programs of particular interest to the user rather than by just searching by title or summary of the program.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Aristides' invention to include wherein the broadcast data receiver includes memory means for storing data relating to program information in response to a user's query, and searching for program information having at least subtitle and/or caption data, as taught by Menard, for the advantage of allowing the user to access the desired data at a desired time and for effectively searching for programs of particular interest to the user rather than by just searching by title or summary of the program.

- 3.. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menard in view of Aristides as applied to claim 1 above, and further in view of Legall.

As for claim 4, Aristides and Menard disclose wherein a user key word searches to identify a program. However, Menard and Aristides fail to disclose a user query box provided on the display screen for a user to type in a search request.

In an analogous art, Legall discloses a television system in which a user, using a search tool window (302 – figure 3A), can establish the topics that form elements of a filter that is input to a search engine (306 – figure 3A). The search engine interacts with different information resources (col. 3, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard and Aristides' system to include a television comprising of a user query box provided on the display screen for a user to type in their search request, as taught by Legall, for the advantage of providing the user a visual entry technique to enable user to have access to input data to be searched.

As for claim 13, Menard and Aristides fail to disclose a television system wherein frequently requested information is stored in said memory means in a saved format.

In an analogous art, Legall discloses a television system in which a use can maintain filter logs that reflect the filter terms used to perform the search. These logs

can be selected, such that the search can be re-performed at a later time (col. 3, lines 57-63).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Menard and Aristides' system to include requested information stored in said memory means in saved format for the advantage of providing the search history so that the search can be re-performed at a later time (col. 3, lines 57-63).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menard in view of Aristides as applied to claim 1 above, and further in view of Herrington.

Considering claim 12, Menard and Aristides fail to disclose a television system characterized in that the format of the program information identified in response to said user's query is determined by the user and is selectable via an options menu.

In an analogous art, Herrington discloses a television system wherein when a user requests that the system locate programs that are related to a given program, the program guide provides the user with an opportunity to configure search parameters for searching for related programs based on attributes (see figure 7C, options menu) of the user-selected program. The program guide then locates program listings based on the user-configured search parameters (132 – figure 6, col. 8, lines 29-36, figure 7A, col. 10, lines 15-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Menard and Aristides' system to include an options menu as taught by Herrington for the advantage of providing a visual interface in which the user selects attributes such as program genre, actors, rating, channel, director, etc. to assist the user in narrowing down a search of interest to the user.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**